

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

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|-------------------------------------|---|----------|
| TEAMSTERS LOCAL 251 HEALTH | : | |
| SERVICES AND INSURANCE PLAN, | : | |
| by and through its TRUSTEES, and | : | |
| TAMMY BEAUDREAU, in her capacity | : | |
| as Administrator of Local 251 HSIP, | : | |
| | : | |
| <i>Plaintiffs,</i> | : | |
| | : | |
| v. | : | C.A. No. |
| | : | |
| CARDI CORPORATION, CARDI | : | |
| LEASING CORPORATION, CARDI | : | |
| CORPORATION READY MIX | : | |
| CONCRETE, INC., C & J FORMS, LLC, | : | |
| FALL RIVER READY-MIX | : | |
| CONCRETE, LLC, | : | |
| | : | |
| <i>Defendants.</i> | : | |
| | : | |

COMPLAINT

This is an action to compel payment of contributions, interest, penalties, and attorneys' fees to a multi-employer welfare plan pursuant to the Employee Retirement Income Security Act [“ERISA”], 29 U.S.C. § 1001, *et. seq.*

1. Teamsters Local 251 Health Services and Insurance Plan [“Local 251 HSIP”] is an “employee benefit plan” within the meaning of 29 U.S.C. §§ 1002(1) and (3).
2. Plaintiff Tammy Beaudreault [“Beaudreault”] is the Administrator of Local 251 HSIP.
3. Defendant Cardi Corporation is a corporation organized under the laws of the State of Rhode Island. At all relevant times, Cardi Corporation has been an employer within the meaning

of Section 3(5) of ERISA, 29 U.S.C. § 1002(5). Cardi Corporation's principal place of business is located at 400 Lincoln Avenue, Warwick, RI 02888.

4. Defendant Cardi Leasing Corporation is a corporation organized under the laws of the State of Rhode Island. At all relevant times, Cardi Leasing Corporation has been an employer within the meaning of Section 3(5) of ERISA, 29 U.S.C. § 1002(5). Cardi Leasing Corporation's principal place of business is located at 400 Lincoln Avenue, Warwick, RI 02888.

5. Defendant Cardi Corporation Ready Mix Concrete, Inc. is a corporation organized under the laws of the State of Rhode Island. At all relevant times, Cardi Corporation Ready Mix Concrete, Inc. has been an employer within the meaning of Section 3(5) of ERISA, 29 U.S.C. § 1002(5). Cardi Corporation Ready Mix Concrete, Inc.'s principal place of business is located at 400 Lincoln Avenue, Warwick, RI 02888.

6. Defendant C & J Forms, LLC is a corporation organized under the laws of the State of Rhode Island. At all relevant times, C & J Forms, LLC has been an employer within the meaning of Section 3(5) of ERISA, 29 U.S.C. § 1002(5). C & J Forms, LLC's principal place of business is located at 385 Lincoln Avenue, Warwick, RI 02888.

7. Defendant Fall River Ready-Mix Concrete, LLC is a corporation organized under the laws of the Commonwealth of Massachusetts, having the requisite minimum contacts with the State of Rhode Island. At all relevant times, Fall River Ready-Mix Concrete, LLC has been an employer within the meaning of Section 3(5) of ERISA, 29 U.S.C. § 1002(5). Fall River Ready-Mix Concrete, LLC's principal place of business is located at 245 Tripp Street, Fall River, MA 02724.

8. This Court has personal jurisdiction over Defendants, and each of them, and subject matter jurisdiction pursuant to Section 502 of ERISA, 29 U.S.C. § 1132(e). Venue is proper in this Court pursuant to Section 502 of ERISA, 29 U.S.C. § 1132(e).

Facts

9. Local 251 HSIP provides medical, prescription drug, dental and other benefits to certain Teamsters Local 251 [“Union”] members, retirees, and dependents. Benefits are financed primarily by employer contributions.

10. The employer contribution rate is set by collective bargaining agreements [“CBAs”] between the Union and each signatory employer or employer association.

11. Defendants, and each of them, are party to a CBA with the Union.

12. Certain of defendants’ employees perform work covered by the CBA. These employees become eligible for benefits based on hours worked for contributing employers.

13. With regard to administration of the CBAs, defendants are commonly owned, operated and controlled from the corporate office at 400 Lincoln Avenue in Warwick, Rhode Island.

14. Under each CBA, defendants must submit remittance reports indicating hours worked in covered employment and remit contributions based on hours worked. Reports and contributions are due the tenth (10th) day of the month following the month in which hours are worked.

15. Local 251 HSIP requires timely remittance reports in order to determine whether employees are eligible for benefits under plan rules.

16. Defendants, and each of them, have failed to make contributions for July and August 2022.

Claim for Relief: Unpaid Contributions
29 U.S.C § 1132(a)(3)

17. Plaintiffs repeat and incorporate each and every allegation in the preceding paragraphs of this Complaint as though fully set forth herein.

18. Defendants, and each of them, have failed to make contributions and are liable to Local 251 HSIP for unpaid contributions, delinquency fees, attorneys' fees and liquidated damages equal to the interest on the unpaid contributions or 20% of the unpaid contributions, whichever is greater.

19. By the aforesaid acts and omissions, defendants, and each of them, have failed to make contributions and otherwise comply with the terms of a multiemployer plan in accordance with a collectively bargained agreement, in violation of 29 U.S.C. § 1145.

WHEREFORE, Plaintiffs pray that this Honorable Court award Local 251 HSIP relief as hereinafter set forth.

Prayer for Relief

Plaintiffs pray that this Honorable Court:

- a. Award Local 251 HSIP all unpaid contributions;
- b. Award Local 251 HSIP interest on the unpaid contributions;
- c. Award Local 251 HSIP liquidated damages in an amount equal to the greater of:
 - i. The interest on the unpaid contributions, or
 - ii. Liquidated damages of 20%
- d. Award Local 251 HSIP attorneys' fees and costs pursuant to 29 U.S.C. 1132(g)(2);
- e. Order defendants, and each of them, to submit timely remittance reports and make timely contributions to Local 251 HSIP in accordance with the terms of each CBA;

and

f. Award such other legal and equitable relief as the Court deems appropriate.

Respectfully submitted,

**TEAMSTERS LOCAL 251 HEALTH
SERVICES AND INSURANCE PLAN
AND TAMMY BEAULDREAU**

By their attorney,

/s/ Marc Gursky

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CERTIFICATION

The undersigned hereby certifies that on this 30th day of September, 2022, this document was filed electronically and is available for review and downloading via ECF by all registered counsel of record.

/s/ Janine Durand

Janine Durand